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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 10-00760 LHK
12 Plaintiff,) STIPULATION AND [PROPOSED]
13 vs.) ORDER CONTINUING HEARING DATE
14 MIGUEL MARTINEZ-HERNANDEZ,) AND EXCLUDING TIME UNDER THE
15 Defendant.) SPEEDY TRIAL ACT
16 _____)

STIPULATION

18 Defendant Miguel Martinez-Hernandez, by and through Assistant Federal Public
19 Defender Varell L. Fuller, and the United States, by and through Special Assistant United States
20 Attorney Bradley D. Price, hereby stipulate that, with the Court's approval, the status hearing
21 currently set for Wednesday, December 1, 2010, at 10:00 a.m., shall be continued to Wednesday,
22 January 5, 2011, at 10:00 a.m.

23 The reason for the requested continuance is to permit defense counsel additional time to
24 meet with Mr. Martinez-Hernandez with a certified Spanish language interpreter to discuss the
25 proposed fast-track disposition and to conduct further defense investigation into Mr. Martinez-
26 Hernandez's prior convictions.

The parties agree that the time between December 1, 2010, and January 5, 2011, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation by defense counsel.

4 || Dated: November 30, 2010

/s/

Dated: November 30, 2010

/s/
BRADLEY D. PRICE
Special Assistant United States Attorney

[PROPOSED] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for Wednesday, December 1, 2010, shall be continued to Wednesday, January 5, 2011 at 10:00 a.m.

THE COURT FINDS that failing to exclude the time between December 1, 2010, and January 5, 2011, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between December 1, 2010, and January 5, 2011, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between December 1, 2010, and January 5, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED

Dated: 11/30/2010

Lucy H. Koh